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EXAMINER

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 12

Application Number: 10/039,928

Filing Date: October 29, 2001

Appellant(s): Schlossman et al.

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Elmer Galbi

For Appellant

Art Unit: 2643

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/12/03.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

Art Unit: 2643

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-7 stand or fall together.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,420,572	Dolin, Jr. et al.	05/30/1995
5,703,938	Lucas et al.	12/30/1997

Art Unit: 2643

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the appellant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the appellant for patent.

2. Claims 1-3, 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Dolin et al (5,420,572).

Consider claims 1-3, 7. Dolin teaches a method and system of configuring a communication system comprising recording details of the operation of the communication system (node type data can include information about the nodes operation and even configuration information; col. 11, ln. 26-41); electronically communicating the details of operating to a configuration server (hand held controller 310; col. 11, ln. 54-64); examining the details of operation and generating id data (i.e., location code) identifying the communication system (col. 11, ln. 26-41, ln. 54 to col. 12, ln. 15, ln. 24-43); and transmitting the id data to the communication system to facilitate configuration of the communication system (abstract; col. 5, ln. 55 to col. 6, ln. 4; col. 12, ln. 30-40).

Consider claim 6. Dolin teaches a system comprising a telephone call interconnecting system (communication node 301) which generates information which identifies characteristics of the

Art Unit: 2643

telephone call interconnecting system (node type data can include information about the nodes operation and even configuration information; col. 11, ln. 26-41); a server located at a location which is remote from the telephone call interconnecting system (controller 310 and central computer are located remotely from the communication node; col. 11, ln. 65 to col. 12, ln. 23); a communication system for communicating the information from the telephone call interconnecting system to the server (col. 12, ln. 16-23); a program in the server for identifying the telephone call interconnecting system from the information and for generating ID data (Location ID; col. 12, ln. 33-43); an electronic transmission system for transmitting the ID data from the server to the telephone call interconnecting system (col. 11, ln. 50-53; col. 12, ln. 33-43; col. 13, ln. 5-9); and a program in the telephone call interconnecting system using the ID data transmitted from the server to enable the telephone call interconnecting system to perform subsequent operations (col. 5, ln. 55 to col. 6, ln. 4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolin et al (5,420,572) in view of Lucas et al (5,703,938).

Consider claim 4. Dolin does not clearly teach the limitations of this claim.

Art Unit: 2643

Lucas teaches the configuration server includes a processor and memory, the processor comparing the messages received from the communication system and sample messages for different types of communication systems previously stored in the configuration server memory (CDR or accounting message; col. 4, ln. 62-65; col. 11, ln. 28 to col. 12, ln. 44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lucas into the teachings of Dolin in order to optimize network nodes, end offices or trunks configurations.

Consider claim 5. Lucas further teaches the configuration server memory stores multiple rates tables each associated with a different telephone area code and exchange (col. 5, ln. 45-55; col. 6, ln. 34 to col. 7, ln. 47; area code and exchange code; col. 7, ln. 21-30).

(11) Response to Argument

In response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies (i.e., "call detail records" showing the normal operation of the system are analyzed to determine what type of system generated this particular records) and (the system claimed by the appellant utilizes information about the actual operation of the system in order to configure the system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the claims must be given their broadest reasonable interpretation since the appealed claims do not claim (i.e., "call detail records" showing the normal operation of the

Art Unit: 2643

system are analyzed to determine what type of system generated this particular records) and (the system claimed by the appellant utilizes information about the actual operation of the system in order to configure the system).

Regarding the Dolin reference, appellant states "the system shown in the Dolin reference does not record details of the operation of the system as recited in appellant's claims." In contrast to appellant's assertions, Dolin clearly teaches recording details of the operation of the communication system (col. 7, ln. 48-61; e.g., Node type data is implementation dependent and may be simple as a single data item. For more complex nodes, it can include information about the nodes operation and even configuration information, col. 11, ln. 26-41); electronically communicating the details of operating to a configuration server (col. 11, ln. 54 to col. 12, ln. 23); examining the details of operation and generating ID data (i.e., location code) identifying the communication system (e.g., Node Type can include information about the nodes operation and even configuration information, col. 11, ln. 29-36; After assigning location code information to each node in the subnet, the installer may couple the controller to a central computer to transmit the stored configuration information so that the information may be used in further configuration of the network, col. 12, ln. 11-15; The controller 310 may be programmed to automatically assign a location code and communicate the location code to the node upon receipt of the node_id and Node Type information, col. 12, ln. 24-43); and configuration of the communication system (abstract; col. 5, ln. 55 to col. 6, ln. 4; e.g., In any event, what important is the ability to provide for accurate and relatively simple configuration of a network through easy access to node identifying information; col. 12, ln. 30-40). The controller 310

Art Unit: 2643

automatically assigns a location code (col. 12, ln. 33-37) in order to configure and re-configure the node with configuration and network parameters (such as the location code) (see col. 11, ln. 50-53).

The examiner mistakenly groups claims 2-3 with claims 1, 6-7. However, claims 4-5 have the same limitations with claims 2-3. Therefore, claims 2-3 should have been grouped with claims 4-5.

(12) Conclusion


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,




Duc Nguyen

June 10, 2003


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